Joint declaration on practical arrangements for the codecision procedure (Article 251 of the EC Treaty)

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The Committee on Constitutional Affairs adopted a report drafted by Mr. Jo **LEINEN** (PES, DE) concerning the approval of an interinstitutional agreement (IIA) between the European Parliament, the Council and the Commission with a view to the revision of the 1999 joint declaration on practical arrangements for the codecision procedure.

This joint declaration followed the entry into force of the Amsterdam Treaty and seeks to lay down the practical working methods between the three most important institutions of the Union for the adoption of texts under the codecision procedure. However, in view of various developments since 1999 in regard to its application, it was considered appropriate to revise certain provisions of the IIA in order to improve certain aspects of the procedure.

Overall, the proposed revised Declaration will improve **the functioning of codecision** and **help to facilitate future interinstitutional cooperation** in a constructive and flexible way. The text of the Declaration has been adapted to take into account the practical evolution of the codecision procedure and is in line with the attempts of Parliament, Council and the Commission to make EU law-making more transparent, coordinated, efficient and democratic. The revised declaration presented to the Parliament for approval represents a considerable improvement on the 1999 declaration by adding several important provisions that **align the text with existing best practices** and **strengthen the cooperation** between the three institutions to improve the effectiveness and quality of the European Union's legislation.

Main provisions that have been revised:

General principles: the declaration emphasizes:

- the importance of reconciling the positions of the three institutions at an early stage of the procedure with a view to improving the efficiency of the decision-making process;
- the establishment of an indicative timetable for the various stages of the procedure;
- the organisation of trilogues (tripartite meetings) in order to confirm their practical value in finding agreement during the early stages of codecision and to encourage their further use;
- the attendance of parliamentary committee meetings by the Council Presidency to improve the dialogue between the two legislative branches.

1st reading: the revised declaration provides for two types of agreement: i) agreement at the stage of first reading in the European Parliament; ii) agreement at the stage of Council common position at first reading (these 2 options are explicitly provided for in Article 251 TEC for an early conclusion of the codecision procedure). The revised Declaration recognises the practice of **informal negotiations between the institutions** and the finalisation, through an **exchange of letters**, of agreements reached during such negotiations.

2nd reading: only one form of agreement is provided for in this case: agreement at the stage of second reading in the European Parliament. A new paragraph makes provision for the possibility of the agreement on a date that would be mutually convenient to the parties for the transmission of the common position to accelerate the decision-making process as much as possible.

Before transmitting the common position, the Council shall endeavour to consider in consultation with the European Parliament and the Commission the date for its transmission in order to ensure the maximum efficiency of the legislative procedure at second reading.

A paragraph is also included that officially recognises the role of exchanges of letters to conclude the agreements that are reached on an informal basis.

Conciliation: it is proposed to meet in trilogue once it is clear that no agreement can be reached in 2nd reading. Trilogues shall take place throughout the conciliation procedure with the aim of resolving outstanding issues and preparing the ground for an agreement to be reached. Other more technical provisions are introduced to facilitate the negotiation process (deadlines for the receipt of documents, improved transparency, etc.).

Further general provisions underpin the equal nature of the 2 legislative branches with regard to the adopted text (in particular, planning of joint press releases in order to announce the positive outcome of work or the signature of important texts at ceremonies that are jointly organised in the presence of the media) and to agree on technical aspects of the finalisation of texts and their publication in the Official Journal.

In its draft resolution, the Committee on Constitutional Affairs emphasises the importance that the Parliament attaches to the simplification of the Union's legislative process and welcomes the new, symbolic provisions of the IIA which include:

- the participation of representatives of the Council presidency at meetings of Parliament's committees;
- the formalisation of the practice of the exchange of letters to finalise agreements reached on an informal basis;
- the confirmation of the fact that the European Parliament and the Council have to cooperate on an equal footing in regard to the legal-linguistic revision of texts;
- the principle of signing important texts at a joint ceremony and the holding of joint press conferences to announce the positive outcome of work.